

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

Zara Moss	:	
915 Penn Avenue	:	
Apt 904	:	
Pittsburgh, Pennsylvania 15222,	:	
		:
Plaintiff,	:	Case No.
		:
v.	:	Judge
		:
The Pennsylvania State University	:	Magistrate Judge
State College, Pennsylvania 16801	:	
		:
and	:	
		:
Maestro Weislaw Glon	:	
(In his individual and official capacities)	:	
1188 Dorum Avenue	:	
State College, Pennsylvania 16801,	:	
		:
Defendants.		

COMPLAINT

For most of her life, Zara Moss had two loves—fencing and Penn State. Just ask her mom to see a video of two-year-old Zara singing the Penn State fight song in her crib. Zara’s dream was to attend Penn State. And this dream became a reality when Zara found fencing. Zara first learned about the sport of fencing in first grade gym class. The moment she held a sabre, she was hooked. Soon, Zara began competing in tournaments—and winning them. At 15, she began training with professional coaches at an elite fencing club in New Jersey.

Zara’s success in the sport led her straight to Defendant Maestro Weislaw (“Wes”) Glon, head coach of Penn State’s Nittany Lions fencing team. Wes, a former member of the Polish national fencing team and Olympic coach turned renowned collegiate coach, noticed Zara’s promise at a Penn State fencing camp when Zara was in sixth grade. Over the years, Wes would

often bump into Zara and her family at national tournaments. Each time, he was taken with Zara's talent.

Zara's dream came true in the summer of 2016 leading into her senior year of high school. Wes offered Zara a full scholarship to fence for Penn State. But Zara did not yet know the dark side of Wes Glon and Penn State fencing. The team was a hotbed for sexual assault and gender discrimination. It was well known that Wes relegated his female fencers to second class citizens, while prioritizing his male fencers. And Wes tormented Zara for years—criticizing her appearance, hurling sex-based insults at every opportunity, and verbally and psychologically abusing her. Wes also physically assaulted Zara during her freshman year.

Wes's conduct towards women fencers was no secret. Penn State athletic directors and administrators knew about or had observed Wes's egregious behavior towards female fencers. But Wes's prestige, influence, and connections were more important to Penn State than protecting its athletes. So, Penn State did nothing. Indeed, when Zara formally reported Wes's conduct to Robert ("Bob") Boland, Penn State's Athletics Integrity Officer, Mr. Boland acknowledged that the school had received numerous reports of sex discrimination on the team. Yet, Mr. Boland threw up his hands, conceding, "well, it's hard to find fencing coaches." Upon information and belief, Penn State never investigated or attempted to remedy the problem.

Because of Penn State's deliberate indifference towards Wes's sex discrimination, Zara will likely never fence competitively again. She had a clear path to the Olympics. Now, she can barely hold a sabre without having a panic attack. Because of Wes's abuse, Zara developed an eating disorder, body dysmorphia, panic and anxiety symptoms, and significant insecurities. After fencing for Penn State, Zara did not know who she was anymore. In short, Zara's two loves—fencing and Penn State—broke her.

PARTIES

1. Plaintiff Zara Moss is a former Pennsylvania State University (“Penn State” or the “University”) honors student and athlete. She attended Penn State from 2017–2021. She was a four time All-American on Penn State’s Division I varsity fencing team. Zara is a resident of Pittsburgh, Pennsylvania.

2. Defendant Penn State is a major, public university that receives state and public funding and is located in Centre County, Pennsylvania. Penn State is independently governed and is associated with Pennsylvania’s Commonwealth System of Higher Education. Penn State’s fencing program, coached by Wes Glon, is the most decorated program in the University’s history.

3. Defendant Wes Glon is the head coach of Penn State’s fencing program. He joined Penn State over 30 years ago and was promoted to head coach in July 2014.

JURISDICTION AND VENUE

4. This Court has jurisdiction under 28 U.S.C. §1331 because Plaintiff’s claims arise under Title IX of the Education Amendments Act of 1972, 20 U.S.C §1681, *et seq.* In *Cannon v. University of Chicago*, 441 U.S. 677, 709 (1979), the United States Supreme Court concluded that a victim of sex discrimination may pursue a private cause of action against a federally funded educational institution for a violation of Title IX.

5. Plaintiff has also stated claims under the laws of the State of Pennsylvania, including failure to train and supervise, negligence/gross negligence, negligent and/or intentional infliction of emotional distress, and civil conspiracy to commit an unlawful act. Those state causes of action are so related to Plaintiff’s other claims in this case, over which this Court has original jurisdiction, that they form a part of the same case or controversy under Article III of the United

States Constitution. This Court, therefore, has supplemental jurisdiction over Plaintiff's common law claims under 28 U.S.C. §1367.

6. This Court is a proper venue for this action under 28 U.S.C §1391(b)(2) because a substantial part of the events, acts, or omissions giving rise to the claims occurred in this district.

BACKGROUND

Zara Fell in love with Fencing at Just Seven Years Old.

7. Zara first learned about fencing when she was seven years old. She watched a fencing demonstration in gym class, and it sparked something in her. She began competing in tournaments. Her parents believed fencing would be a fun, recreational activity for Zara. But it became something much more.



Zara Moss (age 7) at the Fencing Institute of America Tournament on May 12, 2007, in Pittsburgh, Pennsylvania. (Photo courtesy of Julie Moss)

8. Beginning in sixth grade, Zara attended yearly Penn State fencing camps. Zara's dream was to attend college at Penn State. So she was thrilled when Penn State's renowned fencing coach, Wes Glon, took an interest in her. In October 2012, when Zara was 13 years old, she competed in her first North American Cup in St. Louis, Missouri. Wes watched Zara compete and spoke with her and her family, offering Zara feedback and pointers. Zara was hopeful that Wes's

interest in her talent would lead her to Penn State. Over the years, and throughout her high school fencing career, Zara would see Wes at tournaments. When Zara began to outgrow her Pittsburgh fencing club, Wes referred her to a top club in New Jersey. That program and its coaches launched Zara into elite status and shaped the trajectory of her future in the sport.

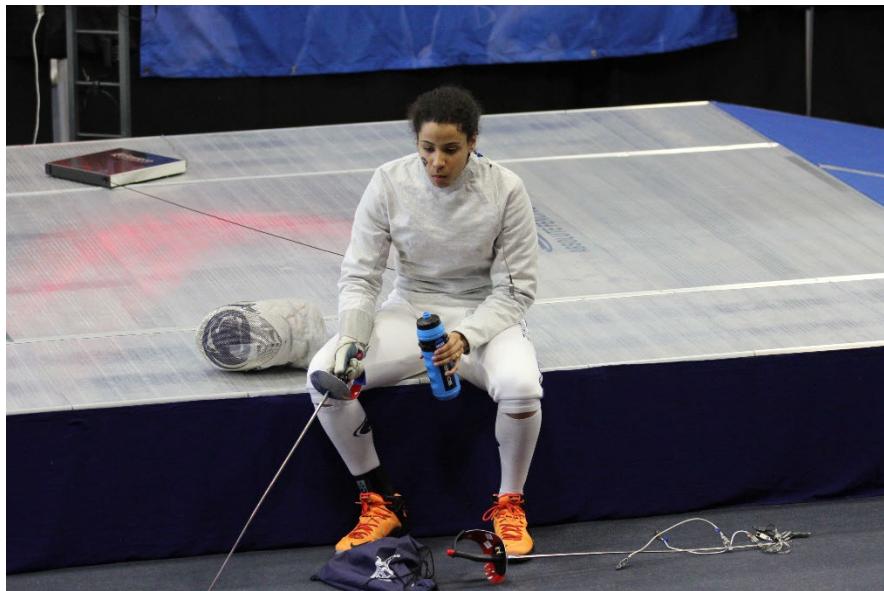
9. Zara’s dreams came true in July 2016, when Wes offered Zara a full scholarship to fence for Penn State. Wes had big plans for Zara. He was friends with Edward Korfanty, the U.S. National Women’s sabre coach and Olympic sabre coach. In July 2017, Korfanty invited Zara to attend the Senior World Championship in Germany as the team alternate.

10. As Zara began spending more time with Wes, she saw a darker side to him. She heard rumors of his vindictive nature and saw, firsthand, his ability to leverage his power and prestige in the fencing community. Zara kept what she saw to herself for this very reason—she wanted to maintain her scholarship and pursue her dream of fencing at Penn State, and likely, the Olympics. But as described below, Wes ruined fencing for Zara. She grew to hate the sport she once loved. In March 2021, Zara reported Wes’s abuse to Penn State athletics compliance and Title IX officials. They were not surprised by her reports. Wes’s misconduct and the deeply rooted sexism on the team was a fact of life. Still, Penn State did nothing. Now, Penn State must be held accountable for its decision to abandon its women fencers.

Zara’s Freshman Year **(2017/2018)**

11. Wes tormented Zara from the start. He hounded her about her weight—something he never did to male fencers. By October 2017, Zara had developed an eating disorder. And Wes liked that. He praised Zara when she looked “skinny” and disparaged her when she gained a pound. Zara lost fifteen pounds in her first few months at Penn State. Almost daily, she sent her mom troubling text messages about her newfound disdain for her own body.

12. Despite Zara's strong performance, Wes took every opportunity to degrade and verbally abuse Zara. Cruelly, he told her she was a waste of his time and valuable scholarship money. He criticized everything she did, and Zara was in constant fear that Wes would take away her scholarship. Consequently, Zara developed panic and anxiety symptoms requiring medication. She became a shell of herself and lived in fear of Wes.



Zara, at the “break at 8” during her freshman year NCAAs in March 2018. (Photo Courtesy of Julie Moss)

13. Wes singled out the women fencers. For example, Wes called a meeting for the women’s squad after the first day of Zara’s first NCAAs. Still, he screamed at them, telling them he regretted recruiting each of them. The women were in second place. Throughout the tournament, Wes berated the women and complained to anyone who would listen that Penn State women sabre fencers never win the national championship, but the male fencers do.

14. Wes’s conduct went beyond mental abuse. In January 2018, Zara’s teammate advised Zara to get checked for a concussion. Wes told Zara she was simply being overly emotional and sensitive because she was on her period—which, by the way, she was not. He prohibited Zara from seeking medical attention and forced her to train despite her clear concussion.

Zara was forced to see the athletic trainer behind Wes's back. This was not the only time Wes forced Zara to compete while seriously injured. In fact, this was a pattern for Wes when it came to women fencers. He routinely forced the women fencers to compete despite serious physical injuries, whereas he encouraged the men to seek treatment and recover from similar or identical injuries.

15. Things took a turn for the worse when Wes physically abused Zara her freshman year. During a lesson, Wes forced Zara to fence him without equipment. Through tears, Zara begged Wes to allow her to wear protective fencing gear. He refused. Wes hit Zara over and over while she sobbed and pleaded with him to stop. Wes left Zara with bruises and scars that lasted over a year.

16. Others in the fencing community took notice of Wes's abuse. For example, the president of USA Fencing, Don Anthony, approached Zara's parents at the 2018 World Cup, commenting that he had heard that Zara was struggling under Wes's coaching. And several months later, at the Junior World Championship in Italy in April 2018, Zara, a once strong and fierce competitor, was seen huddled in a corner. At the Junior World Championship, numerous concerned coaches, and parents, as well as USA Fencing's team psychologist approached Zara's mom Julie about Wes, but nothing was ever done.

17. Wes's abuse was particularly demeaning and humiliating because it was based on Zara's sex. Wes believed women fencers were weak and dramatic. Zara was anything but. Yet because of Wes's relentless abuse, Zara often suffered severe panic attacks that left her unable to breathe. But she had to suffer in silence—escaping to the bathroom during practices so Wes would not see her "weakness." One day, Wes told Zara she must have a bladder infection given how often she was using the restroom.

Zara's Sophomore Year
(2018/2019)

18. Zara had ankle surgery in June 2018 when she was a rising sophomore. Zara gained some weight while recovering, and Wes viciously told her she was “better when she was skinny.” Wes forced Zara back into competing too soon after her surgery, slowing her recovery. Yet Wes blamed Zara’s stunted recovery on her weight. Wes’s obsession with Zara’s weight fueled Zara’s eating disorder and problematic relationship with food and her body. Indeed, Wes commented that, while he knew Zara was not healthy when she was “so skinny,” she was a better fencer. Wes never attacked the male fencers when they gained weight—just Zara and other women fencers.

19. In March 2019, Zara saw Penn State sports psychologist, Brendan Carr. Zara told Carr about Wes’s physical abuse her freshman year and her fear of her coach. She also shared that she developed an eating disorder because of Wes’s constant body shaming.

20. Zara’s fencing performance took a hit because of Wes’s conduct. But Wes refused to acknowledge his role. Rather, he hurled sex-based criticisms at her, telling her for example, that the reason she was “not good anymore” was because she “needed a boyfriend.” Wes also often screamed at Zara and the women fencers and assistant coach, Johanna, and volunteer assistant coach, Desirae, publicly humiliating and shaming them. Wes saved his abuse for women fencers and assistant coaches. He never treated the male fencers or assistant coaches in this way.

21. Zara’s second national championship was a repeat of her first. Zara finished second. Nonetheless, Wes was disappointed and publicly blamed the women’s team’s performance on their sex.

Zara's Junior and Senior Years
(2019–2021)

22. By her junior year, Zara's panic symptoms stemming from Wes's relentless abuse were so severe she had to forego competing internationally. To make matters worse, she was battling a wrist injury requiring cortisone shots. Wes accused her of faking her injuries to get out of practices—calling her “lazy” and a “disappointment.” Meanwhile, Zara's male teammate, Seba, had the same injury. Unlike Zara, Wes believed Seba and encouraged him to rest and recover to avoid inflaming his wrist more than necessary. Zara asked Wes for similar relief—requesting to be substituted so she could preserve her wrist for later, more important bouts. Wes refused and forced Zara to push through while her male teammate healed.

23. The COVID-19 pandemic hit during the spring semester of Zara's junior year. Zara qualified to compete in the NCAAs, but it was canceled due to the pandemic. Zara's Senior year was largely interrupted by the global pandemic. Zara continued to struggle with chronic wrist pain and developed excruciating leg pain later diagnosed as chronic compartment syndrome, a condition experienced by athletes caused by intense, repetitive exercise. Penn State doctors warned Zara that she could sustain permanent nerve damage if she did not rest and recover. But Zara's mental and physical wellbeing meant nothing to Wes. He prohibited Zara from seeing the Penn State doctor who cautioned her to take it easy. Then, Wes lied to Zara, reassuring her that she was cleared to practice every day when, in reality, even three practices a week placed her at risk for permanent nerve damage. Yet when Zara's male teammate, Clem, sprained his ankle, Wes had him sit out on training sessions and tournaments to allow him to heal. Said simply, Wes applied different rules to his men and women fencers that ultimately placed the women on the team in significant danger.

24. All the while, Wes still fixated on Zara’s physical appearance and weight. Zara, suffering from disordered eating and body dysmorphia, reveled in any praise from Wes that she looked “skinny.”

25. On March 10, 2021, Zara scheduled a meeting with Bob Boland, Penn State’s Athletics Integrity Officer. On March 17, 2021, Zara met with Mr. Boland and reported Wes’s abuse. Specifically, she reported, among other things, Wes’s verbal abuse towards the women fencers and the danger Wes placed them in when he forced them to compete while injured. When Zara mentioned Wes’s differential treatment of men and women, Mr. Boland responded that Penn State compliance had received numerous reports of sexism and abuse on the fencing team. Mr. Boland then made his priorities clear. He advised Zara to wait until after the after the NCAAs to schedule another meeting to discuss Wes’s conduct to avoid “rocking the boat” before the national championship.

26. Zara competed in the NCAAs, and on April 7, 2021, met with Mr. Boland, along with Matt Stolberg, Penn State’s Associate Athletics Director for Compliance, and Christopher James Harris, Penn State’s Title IX investigator and compliance specialist. Zara reported Wes’s misconduct, detailing the years of suffering she endured on the team. Mr. Boland commented that Wes’s differential treatment of men and women fencers could support a Title IX claim and warranted further investigation. When Zara expressed her belief that Wes should be removed from the team, Mr. Boland dismissively responded, “well, it’s hard to find fencing coaches.” Mr. Boland and his colleagues then asked Zara for the names of other women fencers who could corroborate her reports. Zara provided two names—Isabella Zuzulo and Barbara Vanbenthuysen. Isabella Zuzulo had struggled with injuries for years. Wes knew about Isabella’s injuries—indeed, she suffered from similar injuries when she was recruited to Penn State. In the spring of 2021,

Wes suspended Isabella from the team for “lying about her injuries” and directed her—despite her sobs and pleads—to clear her locker and get out. Wes lied to Isabella’s teammates, telling them that Isabella had quit the team. Similarly, Barbara Vanbenthuysen, suffered from ankle injuries for years, yet Wes repeatedly forced her to train and compete while injured. After Zara reported Wes to Penn State, she was hopeful that the University would do its job and that women fencers could once again enjoy their sport and college experience. But Zara never heard from Mr. Boland or Penn State again.

Wes’s Harassment Was Severe, Pervasive, and Based on Zara’s Gender

27. Said simply, Wes put Zara through hell because she was a woman. Title IX prohibits gender-based harassment, which includes “acts of verbal, non-verbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.” *See U.S. Dep’t of Ed., Office of Civ. Rights, Dear Colleague Letter: Sexual Violence*, Russlynn Ali (Apr. 4, 2011). Crucial here, Wes Glon was a giant in the national and international fencing community. The unequal power relationship and age disparity between Wes and Penn State’s women fencers fueled the hostile environment and discrimination. Wes’s sex-based discrimination permeated the team setting.

28. Wes felt comfortable publicly discussing the women fencers’ bodies. On an ongoing basis, Wes berated Zara for her weight. He blamed any performance issues on any slight weight gain and frequently told Zara that, while she may not have been healthy when she was “so skinny,” she was at least a better fencer. When traveling to tournaments, Wes expected the women fencers to don perfect hair and makeup. And, when one of Zara’s teammates stopped shaving her legs, Wes called her disgusting in front of her teammates.

29. Wes also routinely and publicly demeaned and humiliated the women fencers for being on their periods. He blamed their emotions on their periods and commented that women's fencing performance was unreliable because so much depended upon whether a woman was on her period at the time. When Zara would retreat to the restroom for a moment of solace from Wes's verbal abuse, Wes insisted she had a bladder infection because of the frequency she was using the restroom.

30. Wes's disrespect and disregard for women was palpable. In December 2017, Wes's assistant coach, George ("Gia") Abashidze, allegedly groped a non-Penn State women's fencing coach, Jen Oldham, on a flight home from a competition. Specifically, Ms. Oldham said that Gia repeatedly asked her for sex, touched her knee, arm, and upper leg, and then grabbed her crotch. Ms. Oldham informed Wes of his colleague's assault. Yet Wes was more concerned about how Ms. Oldham's allegations would affect Gia than about her or his women athletes. Wes told Ms. Oldham he did not intend to report the incident and that no one would believe her. Ms. Oldham's husband reported the incident to Penn State's Vice President for Intercollegiate Athletics, Sandy Barbour. Penn State investigated the incident and terminated Gia but left Wes in place. According to an internal Penn State report on this investigation, Wes deemed Ms. Oldham's accusation "difficult to believe." In August 2021, SafeSport, an independent organization focused on ending all forms of abuse in sport, and federally authorized under the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017 (Public Law No. 115-126, 2/14/2018), nonprofit aimed at reducing misconduct in Olympic sports, suspended Wes for three years for failing to report Ms. Oldham's complaint, retaliating against Ms. Oldham, and abuse of process. Wes appealed and, in November 2021, an arbitrator overturned SafeSport's suspension, and Penn State reinstated Wes as head coach. As a slap on the wrist, Penn State placed Wes on probation

for six months for failing to report the sexual assault allegations. In sum, Penn State made clear to its women athletes that it prioritized keeping a famous male coach over protecting women athletes and coaches.

31. To say Wes held women and male fencers to a double standard would be a gross understatement. When women fencers had a minor infraction, Wes publicly shamed them or stripped them of their leadership titles. Meanwhile, members of the male fencing team were accused of rape and sexual assault, and Wes simply carried on with the status quo. Indeed, one of Zara's male teammates landed in the hospital with alcohol poisoning and threw a diaper filled with his feces at a nurse, who pressed charges against him. Wes found the incident humorous, later laughing along at a year-end banquet when male fencers joked about the incident during their senior speeches. Male seniors gave speeches in which they joked about currently being drunk and about their numerous infractions during their Penn State careers. Women seniors' speeches were solemn, and often featured apologies to Wes for failing to perform well enough or achieve certain results over their last four years.

32. Rather than treat the women fencers as the premiere athletes they were, Wes relegated them to demeaning, stereotypical gender-based roles. For example, Zara and the other women fencers were responsible for sewing and patching equipment for not only themselves, but also for the male fencers. And while Wes treated the men's captain as a true leader and representative for the team, the women's captain had no real responsibilities other than those Wes believed belonged to women like stocking the snack table. During press interviews, Zara and her fellow women teammates were often told to sit there and look pretty.

33. Troublingly, Wes forced Zara and other women athletes to compete while injured. As Zara explained to Mr. Boland, this only exacerbated their injuries. Wes called his injured

athletes “weak” and “lazy” and accused them of lying. He believed women athletes were simply not tough enough and told them so regularly. Yet when male fencers suffered similar or identical injuries, Wes never doubted them and encouraged them to rest and recover.

34. Wes’s sex-based harassment was so severe, pervasive, and objectively offensive that it effectively barred Zara’s access to the educational opportunity her fencing scholarship provided and the benefit of participating in Penn State’s Division I athletics.

Wes Glon’s Conduct was Continuing in Nature

35. Wes Glon’s sex-based discrimination was part of a continuing practice, so all his conduct throughout Zara’s tenure at Penn State (2017–2021) falls within the applicable statute of limitations under Pennsylvania’s continuing violation theory. *See Oshiver v. Fishbein, Sedran & Berman*, 38 F.3d 1380, 1386 (3d Cir. 1994); *Schengrund v. Penn St. Univ.*, 705 F. Supp. 2d 425, 433 (M.D. Pa. 2009). Importantly, Pennsylvania’s continuing violation theory applies to Title IX claims. *See Schengrund*, 705 F. Supp. 2d at 433 (equitable tolling applies in Title VII case); *Summy-Long v. Penn. State Univ.*, 226 F. Supp. 3d 371, 411 (M.D. Pa. 2016), aff’d 715, F. App’x 179 (3d Cir. 2017) (noting that a “considerable body of case law instructs that when analyzing a Title IX claim courts should apply Title VII jurisprudence”); *Doe v. Mercy Catholic Med. Center*, 850 F.3d 545, 566 (3d Cir. 2017) (assuming but not holding that the continuing-violation doctrine applies to Title IX claims).

36. Wes’s derogatory and demeaning sex-based comments and behavior constituted a pattern that he repeated day after day and year after year. Zara reported Wes’s abuse to Penn State in March 2021. Her timely report falls within the applicable statute of limitations and, because Wes’s conduct was continuing in nature, his earlier Title IX violations are captured in this matter, too.

Penn State Had Actual Notice of Wes's Gender-Based Harassment

37. The women fencers were terrified of reporting Wes for fear of retaliation. Wes frequently cut off women fencers who had wronged him, and Zara and the other women fencers did not want to jeopardize their scholarships or fencing careers by reporting his egregious conduct. Still, upon information and belief, Penn State administrators and compliance officers received numerous reports regarding Wes Glon's misconduct towards women fencers and the deeply rooted sexism on the team. In fact, Bob Boland told Zara as much when she reported Wes to Bob Boland and other Penn State compliance officials in March and April 2021.

38. These reports were made to Penn State officials who had the authority to take corrective measures.

Penn State Was Deliberately Indifferent to Wes Glon's Sex-Based Harassment

39. Despite the appropriate officials having actual notice of a cancer destroying the women's fencing team, they made no attempts to remedy the situation. Upon information and belief, Penn State officials never meaningfully investigated these reports or took corrective action.

40. As Mr. Boland said, "it's difficult to find fencing coaches." And Wes was an influential and powerful figure in the fencing community—with a clear connection to the U.S. Olympics fencing team. Penn State officials prioritized keeping Wes at Penn State over protecting its women athletes. Penn State's inaction amounted to an official decision not to remedy the situation.

Count One
Sexual harassment in Violation of Title IX
20 U.S.C. §1681, et seq. (Deliberate Indifference)
(Penn State)

41. Plaintiff repeats and realleges the allegations contained in the preceding paragraphs of the Complaint as if fully stated herein.

42. Plaintiff Zara Moss attended Penn State, an educational institution receiving federal funds, from 2017–2021.

43. Zara and her fellow female teammates were subjected to harassment based upon their sex. For four years, Wes Glon attacked Zara and her women teammates for their weight and appearance. Zara developed an eating disorder as a result. Wes never criticized the male fencers for their physical appearances or weight. Wes routinely verbally abused Zara and her women teammates based upon their sex. He brazenly commented on their periods, blamed their emotions on their menstrual cycles, inappropriately told Zara she had a bladder infection, and criticized a female fencer’s body hair. Wes’s language was intended to humiliate, ridicule, and intimidate Zara and the other women fencers.

44. Moreover, Sexual harassment on the Penn State fencing team was a real problem. Female fencers reported sexual harassment, and several women Penn State students (not on the fencing team) accused male fencers of physical and sexual assault. While those male fencers were removed from the team, Wes never publicly reprimanded their conduct. And Penn State’s response was meaningless. It required the fencers to attend three hours of sexual assault and harassment training. But the male and female fencers did not attend these trainings together. Rather, the women attended the mandatory sessions, and the men attended the sessions separately. Nothing further was done, and nothing changed on the team. In fact, Wes publicly accused the women fencers who accused their teammates of sexual harassment as overly dramatic.

45. Instead of promoting women fencers’ talents and leadership skills, Wes had them tend to traditionally female tasks like clothes repair and food preparation. And because Wes believed women were weak, he forced them to train and compete while injured—subjecting them to serious and permanent injuries as a result. But because Wes saw male athletes as tough and

capable, he took their injuries seriously and allowed them to rest and recover. Wes's sex-based harassment was so severe, pervasive, and objectively offensive that it effectively barred Zara's access to the educational opportunities her fencing scholarship provided, as well as the benefits of participating in Penn State's premiere fencing program and, ultimately, in the Olympics.

46. Penn State officials, including Bob Boland, Matt Stolberg, and Christopher James, among others, had actual knowledge of sex discrimination on the fencing team. And they had authority to address the discrimination on the fencing team— indeed, it was their job to do so. In March 2021, Zara reported Wes's misconduct to these individuals and, upon request, provided the names of other victims. Mr. Boland admitted that Penn State had received numerous reports of sexism on the team and complaints of Wes's misconduct. But Penn State did nothing to remedy the problem after those earlier reports, and it did nothing after Zara's reports, either. Wes continued to harass and abuse Zara and the women fencers and, upon information and belief, continues to discriminate against his female fencers today. Penn State's failure to investigate or adequately respond to student reports regarding sex discrimination on its fencing team amounted to deliberate indifference. Penn State is responsible for Wes's Title IX violations as a result.

Count II
Negligent and Intentional Infliction of Emotional Distress
(All Defendants)

47. Plaintiff repeats and realleges the allegations contained in the preceding paragraphs of the Complaint as it fully stated herein.

48. The conduct of Defendant Penn State, by and through the conduct, acts, and/or omissions of the individual Defendants, was either intentional, negligent, and/or grossly negligent as pertaining to Plaintiff.

49. The acts and/or omissions of the individual Defendants were also either intentional, negligent, and/or grossly negligent as pertaining to Plaintiff.

50. Defendants' actions and/or omissions were in furtherance of Penn State's financial interests and driven by Penn State placing money and prestige over the safety of its student athletes.

51. Defendants' acts and/or omissions arose of Defendants' duties to Plaintiff to act in good faith and take her reports against Glon seriously.

52. Defendants' acts and/or omissions constituted a breach of duty or duties that Defendants owed to Plaintiff.

53. It was reasonably foreseeable to Defendants that their conduct, actions, and/or omissions constituting a breach of their duty or duties owed to Plaintiff would cause Plaintiff severe emotional distress or harm.

54. Regarding Wes Glon, Glon verbally and psychologically abused Zara Moss for four years. He routinely told her she was worthless and a waste of scholarship money. Zara, desperate to remain at Penn State on scholarship and pursue her dream of fencing at Penn State, lived in constant fear that Wes would rip all of that away from her. And he had the power to do so. On an ongoing basis, Wes attacked Zara's physical appearance, telling her that she fenced better when she was unhealthily thin. Time after time, Wes forced Zara to train and compete while injured and in pain. Wes habitually called Zara lazy, weak, and an embarrassment to Penn State. He publicly humiliated her—for example, announcing at a team meeting that Zara had single handedly made Team USA lose to Ukraine at a competition in Belgium the week before, when in fact, Zara had the highest indicator of anyone on the team. He did this to turn Zara's teammates against her because her teammates were not at the competition in Belgium and did not know Wes was lying. Wes also once lied to Zara that he had polled other women fencers her age on whether they ever

spent time with Zara or if she had any friends. He then cruelly told Zara they said they never hung out with her and that she did not have any friends. Wes then taunted Zara—saying she had no friends. He also took advantage of Zara’s vulnerability and isolated her further. He demanded she stop communicating with her mom and sisters—her sole support system. According to Wes, Zara was weak for needing her family. Wes’s intentional cruelty was extreme and outrageous and went beyond all grounds of decency.

55. Wes’s conduct was committed in the scope of his employment for Penn State, as he used these cruel tactics as a method of coaching and with the perverse incentive to maintain Penn State’s prestige in the fencing community and bring home wins for the University, which in turn, allowed the University to recruit talent.

56. Wes weaponized his prestige and influence in the fencing community against Zara. She depended upon him for not only the success of her career in fencing but also her scholarship at Penn State. He viewed himself as invincible, and unfortunately, Penn State made that viewpoint a reality by allowing him to get away with whatever he wanted. Consequently, Zara could not escape her tormenter, and no one at Penn State did anything to help her.

57. Wes’s verbal and psychological torment changed Zara forever. She developed an eating disorder and body dysmorphia. She sent her mom disturbing texts about her weight, saying cruel things about her body. Wes’s constant emotional abuse left Zara with severe panic and anxiety symptoms, insomnia, nightmares, and PTSD. Zara needed anxiety medications and counseling. And her emotional trauma is ongoing. She is just now recognizing Wes’s conduct for the abuse that it was, and it will take time for Zara to work through her trauma and heal.

58. This severe emotional distress and damage was directly and/or proximately caused by the negligent, grossly negligent, and/or intentional conduct, acts and/or omissions of Defendants and/or each Defendant.

59. Plaintiff has been damaged as more specifically set forth herein and, due to the manner and character of the conduct, acts and/or omissions of Defendants, and/or each Defendant, Plaintiff is entitled to an award of punitive damages.

Count III
Respondeat Superior
(Penn State)

60. Plaintiff repeats and realleges the allegations contained in the preceding paragraphs of the Complaint as it fully stated herein.

61. Penn State is liable for Wes's tortious acts under Pennsylvania's law of *respondeat superior*.

62. At all times relevant to this Complaint, Wes Glon was the head coach of Penn State's fencing program. Wes's tortious conduct occurred while he was acting in the scope of his employment. Wes chose to lead with fear and verbally and psychologically tormented Zara at all fencing practices, lessons, training, and tournaments. Wes strove to get results for Penn State at all costs. And it was Zara who paid the price.

63. Penn State, which is a state-related institution, is not entitled to Eleventh Amendment immunity and is vicariously liable for damages Zara sustained as a result of Wes's tortious conduct.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court:

- (a) order Penn State to perform a thorough investigation into Wes Glon's past and ongoing treatment towards former and current women Penn State fencers;

- (b) award Zara Moss compensatory and punitive damages in an amount to be determined at trial, including without limitation, damages for emotional distress, physical distress, loss of educational and athletic opportunities, loss of future prospects as a competitive fencer, including at the Olympics, loss of future career and sponsorship prospects, economic injuries, and other direct and consequential damages;
- (c) award prejudgment interest;
- (d) award attorney's fees and costs pursuant to statutory or common law doctrines providing for such award; and
- (e) grant such other and further relief that the Court deems just and proper.

Respectfully submitted,

/s/ Chelsea C. Weaver
Rex H. Elliott (*Pro Hac Vice Pending*)
Chelsea C. Weaver (*Pro Hac Vice Pending*)
Cooper & Elliott, LLC
305 West Nationwide Boulevard
Columbus, Ohio 43215
(614) 481-6000
(614) 481-6001 (Facsimile)
rexe@cooperelliott.com
chelseaw@cooperelliott.com

Respectfully submitted,

/s/ Scott M. Simon
Scott M. Simon, Esquire
Robert F. Daley, Esquire
Robert Peirce & Associates, P.C.
707 Grant Street, Suite 125
Pittsburgh, PA 15219
(412) 281-7229
(412) 281-4229 (Facsimile)
bdaley@peircelaw.com
ssimon@peircelaw.com

Attorneys for Plaintiff
Zara Moss

JURY DEMAND

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff hereby demands a trial by Jury.

/s/ Chelsea C. Weaver _____